



CITY OF
Swainsboro GEORGIA
Crossroads of the Great South



City Council Meeting

June 06, 2022

The regular meeting of Mayor and City Council was held **Monday June 06, 2022**
at 6:00 P.M. City Hall.

Members Present: Sconyers, Stafford, Parker, Collins, Davis, & Quarterman

Prayer of Invocation: Pastor Willie L. Harden Jr., Love In Action Worship Center

Pledge of Allegiance

Councilperson Sconyers made a motion to accept the June 6th minutes.

Motion by: Sconyers

Seconded: Stafford

Passed 6-0

A. Old Business:

1. Council considered the approval of the game room license application for Dana Williams dba Dana's Monogramming & More L.L.C. located at 216 North Coleman Street. Motion was made by Councilperson Stafford.

Motion by: Stafford

Seconded: Sconyers

Vote: 6-0

2. Council considered the approval of the game room license application for Mehoshi May dba Clay D's Place located at 229 South Main Street. Motion was made by Councilperson Stafford.

Motion by: Stafford

Seconded: Parker

Vote: 6-0

3. Chris Morton with Clearwater Solutions recognized Danaria Phillips as the 2022 CWS Swainsboro High School scholarship recipient.

B. New Business:

1. James Ward with the Swainsboro Jaycees addressed the council regarding the 4th of July activities. Mr. Ward stated that they would like to have a water parade, food trucks, water slides and inflatables for the kids, fire department's splash pad, street dance on the bone yard and have the fireworks display downtown on July 3rd. Mayor Bennett stated they had discussed having the parade on Green Street so that no DOT permit would be required. Councilperson Parker asked would the city incur any expenses for this event. Mr. Ward stated that not to his knowledge. Councilperson Sconyers asked where the fireworks would be fired from. Mr. Ward stated that they had spoken with Ed Daniels about using the Daniels Chevrolet Dealership overflow parking lot. Mr. Ward also stated that they had spoken with Mitch Hall about using the cleared lot next to the Kwik Shop. Mr. Ward stated that he had spoken with Fire Chief Strobridge about the locations. Mr. Ward also stated that the owner of Falcon Fire Works had visited several sites that would work. Mr. Ward discussed the required distance requires for the fireworks. Councilperson Collins stated that she was concerned with the safety of the children. Mr. Ward stated that the shell size this year will be reduced. Mr. Ward also stated that the distance that they would be to their patrons would be far greater than the required distance. City attorney, Jon Levis, asked if everyone that is participating in this event will have the proper training, certification, and or license. Mr. Ward stated yes. Levis asked about the required insurance. Mr. Ward stated that the Jaycees have an umbrella policy that will cover this event. Levis asked if the firework display sites would require roads to be closed and if the distances had been

checked on these sites. Mr. Ward stated this had been done. Levis also asked about the cleanup after this event. Jaycees would be out after the event to cleanup.

Motion by: Davis

Seconded: Sconyers

Vote:5-1

2. K.E. McNeal addressed the council regarding the condition of Harmon Park. Mr. McNeal stated that Harmon Park needs some upgrades. Mayor Bennett stated Harmon Park upgrades will be a tier 1 project in the upcoming SPLOST. Mayor Bennett stated that is project is still in the design phase. Mr. McNeal stated that the city's website does not have up-to-date information for the mayor and council. Mayor Bennett stated that he has not turned in his information yet. Mayor Bennett stated that the Downtown Development Director oversees updating the city's website and at this time the city still has not filled the position. The city clerk also stated that the information needed to update the website with has not been turned into city hall. Mr. McNeal stated that since he had submitted the request that all the debris had been taken care of, but it had taken longer than usual. Mayor Bennett stated that due to the multiple storms and the equipment being down that this had caused the crews to get behind on the cleanup. The city clerk stated that according to the 2021 annual report Clearwater Solutions picked up 205 loads of limbs and debris for the year. The clerk further stated that so far this year Clearwater Solutions has picked of 146 loads of limbs and debris just in the month of May. Mayor Bennett stated that he wanted to thank the City of Twin City for sending their employees for four days to help assist with the storm debris removal. Mr. McNeal asked the council if there is a law or an open record to see how much city administration is getting paid. Mayor Bennett stated that the city hoped to revamp the entire city website to include the city's charter, city ordinances, and other city information that is legally available to the public. Mr. McNeal asked if the city enforcing the code of the old houses that are dilapidated. Mayor Bennett stated that we have a code enforcement officer that is working on this. Councilperson Parker stated that ordinances regarding dilapidated houses and ATVs have not been being enforced. Councilperson Parker stated that the dilapidated houses are bringing down the surrounding property values. Councilperson Davis stated that they have had the city attorney to look at all the ordinances and rules and council will have something on this matter at the next meeting. Councilperson Stafford stated that the city passed an ordinance regarding ATVs. Chief Randy Ellison stated that if they are on a city street the ordinance is very vague. Chief Ellison stated that the council needs to look at the ordinances. Chief Ellison stated to address the dilapidated houses that since they have started the code enforcement there has been almost 230 addresses that have received a knock and talk from code enforcement. Ellison stated that more than half of them have cleared their nuisance up. Ellison stated that when it comes to dilapidated houses that must go thru the building inspector to give the owner the opportunity to get their houses cleaned up and back in shape before code enforcement can take any action. Mr. McNeal asked if there are any ordinances or rules regarding tiny houses. City attorney Levis stated that he did not know the answer to that question but if he submitted an open record request the city will provide that information. Levis stated that the mayor has indicated that the city is looking at putting the ordinances online. Levis stated that having the citizens informed so that they know they are following the law and knowing what they can and can't do. Levis stated that having a knowledgeable citizen base is very important. Levis recommended that if the city doesn't do it this year, they need to look into budgeting it in next year's budget. Chief Ellison stated the litter continues to be a problem in our city. Ellison stated that the community service program has been revamped and they are getting some things done in the city. Ellison stated that he is working with the court system to look for ways to detour people from littering in the city. Ellison stated that this is a really hard thing to catch. Councilperson Davis asked could cameras be installed in areas where littering is more prominent. Ellison stated that you could, but someone would need to monitor the cameras. Ellison stated that Norwood Avenue is the next area on his list for the community service to pick up. Councilperson Parker stated that there are several citizens in the Norwood Avenue area who take turns picking up litter in their area.
3. Councilperson Parker asked when the gym and theater project would come back before the council. Mayor Bennett stated that would be on the next agenda. Councilperson Parker also asked about the process of hiring new police officers. Chief Ellison stated

that they advertise, and they call the committee to interview if there are enough applicants that make it thru the background checks. Councilperson Parker stated that in the past there was a committee that interview those applicants and at this time we no longer have those committees.

4. Councilperson Stafford made a motion to amend the agenda to allow Chief Randy Ellison to speak to council.

Motion by: Stafford Seconded: Sconyers Vote:6-0

5. Chief Randy Ellison recommended that council hire and send Le'Untay Tyshon Starnes and Daniela Santos-Avalos to the police academy. Councilperson Stafford made a motion to send the applicants to the academy on July 5th.

Motion by: Stafford Seconded: Sconyers Vote:6-0

6. Councilperson Parker acknowledged the presence of former city councilperson Sandra Stroud who sat beside him for almost 15 to 16 years.

7. Councilperson Sconyers made a motion to amend the agenda to allow Robert Agress to speak with council regarding the city's financial condition.

Motion by: Sconyers Seconded: Stafford Vote:4-2

For: Sconyers, Stafford, Davis, Parker Against: Collins, Quarterman

8. Mr. Robert Agress stated this won't be 5 minutes. I'm a terrible public speaker this is a very complicated issue that I'm going to bring out right here. I prepared a statement when I heard about the city considering spending \$700,000 on a gymnasium complex. I questioned my Councilman about the source of the financing there are no grants or matching funds so \$700,000 comes directly from the taxpayers that'll cost about \$94.00 for every man, woman, and child that lives in city of Swainsboro. My tax bills are going to go up \$189. I have heard that proponents of this project have suggested financing it with non-tax funds from SPLOST and ARPA funds. According to him, we have roughly \$3.8 million dollars in funds in addition to the funds that are city tax revenues. One million SPLOST and \$2,816,457 in American rescue plan federal direct relief funds. If that route is taken the city will dedicate almost 20% to the project. Our city is in dire need of infrastructure improvement in capital outlays. The Police Department has not bought a new vehicle in 10 years. The used ones have been bought since then, have been constantly rotated to and from maintenance. The city needs a dump truck, front end loader and a sidearm truck. I think that the city has plans for a sorely needed water tower at a cost of \$1,000,000 and a citywide water meter replacement another million. City Hall absolutely needs renovation, the basement floods after heavy rains. The cornices and pediments above the building on the outside are weak and will soon be in danger of falling. These days are seeing possible threatening economic times with COVID disruption ridiculous inflation and skyrocketing energy cost which will lead to higher operating costs and costs of capital. So, we need something for a rainy-day fund, and we also need money in the city treasury available to meet matching fund requirements on municipal projects and expenditures that will end up costing us only half if we have those matching funds on hand. I don't know the SPLOST appropriations but the specific needs that I just mentioned more than exhaust the 2.8 million ARPA funds. We taxpayers will then immediately pick up the difference because we have very, very, little in reserve I've been told. Funding this project is like buying butter and jam when you don't have any bread. From what I've learned the city has spent about \$280,000 on this project \$200,000 refurbishment and \$80,000 on HVAC on this project to date. I looked at this gym and the seating looks good, and I assumed that the roof is good. Of course, I haven't seen the cost breakdown of \$700,000 but that seems to be an astronomical amount to spend considering the improvements that already been made to this project. If this project is undertaken, I sincerely hope that it would be scaled down only to include the most basic needs of the gymnasium and as funds become available

remaining improvements and additions be undertaken. Our youth are important but so are the rest of the citizens of Swainsboro particularly property owners whose taxes fund so many needs for everyone including many non-property owners. If we don't use these windfall funds and I'm talking about the ARPA funds, to meet these other needs like things that benefit all our citizens of all age groups then the funding for them falls right back in the laps of us property owners and this is simply unfair. In closing it is imperative that we as a city satisfy the recreation needs of our youth in these crazy times. Our community deserves funding for youth projects such as this, but the same exact facilities of this project are already available at the Swainsboro Emanuel County recreation department which is just about a mile away and it's open all the time. Mayor Bennett asked Mr. Agress why he brought up about spending \$700,000 on the gym and did not mention spending \$1.5 million on the theater project. Mr. Agress stated I am not a proponent of the theater either. Agress stated, I don't know how much we're talking about for the theater, but I know that there's a heck of a lot of money that has been raised by private sources.

C. Committee Reports:

1. None

C. Executive Session:

1. Councilperson Davis made a motion to go into executive session.
Motion by: Davis Seconded: Sconyers Passed 6-0

CLOSING MEETING AFFIDAVIT

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, the undersigned, who, after being duly sworn, depose and on oath state the following:

- (1) The Mayor/ Mayor Pro Tem was the presiding officer of a meeting of the Swainsboro City Council held on the 6th day of June, 2022.
- (2) That it is our understanding that O.C.G.A. § 50-14-2 provides as follows:

“This Chapter shall not be construed so as to repeal in any way:

(1) The attorney-client privilege recognized by state law to the extent that a meeting otherwise required to be open to the public under this chapter may be closed in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved; provided, however, the meeting may not be closed for advice or consultation on whether to close a meeting; and

(2) Those tax matters which are otherwise made confidential by State law.”

And that O.C.G.A. § 50-14-3 (a) provides as follows:

“This chapter shall not apply to the following:

- (1) Staff meetings held for investigative purposes under duties or responsibilities imposed by law;
- (2) The deliberations and voting of the State Board of Pardons and Paroles; and in addition such board may close a meeting held for the purpose of receiving information or evidence for or against clemency or in revocation proceedings if it determines that the receipt of such information or evidence in open meeting would present a substantial risk of harm or injury to a witness;
- (3) Meetings of the Georgia Bureau of Investigation or any other law enforcement or prosecutorial agency in the state, including grand jury meetings;
- (4) Adoptions and proceedings related thereto;
- (5) Gatherings involving an agency and one or more neutral third parties in mediation of a dispute between the agency and any other party. In such a gathering, the neutral party may caucus jointly or independently with the parties to the mediation to facilitate a resolution to the conflict, and any such caucus shall not be subject to the requirements of this chapter. Any decision or resolution agreed to by an agency at any such caucus shall not become effective until ratified in a public meeting and the terms of any such decision or resolution are disclosed to the public. Any final settlement agreement, memorandum of agreement, memorandum of understanding, or other similar document, however denominated, in which an agency has formally resolved a claim or dispute shall be subject to the provisions of Article 4 of Chapter 18 of this title;
- (6) Meetings:
 - (A) Of any medical staff committee of a public hospital;
 - (B) Of the governing authority of a public hospital or any committee thereof when performing a review or medical review function as set forth in Code Section 31-7-15, Articles 6 and 6A of Chapter of Title 31, or under any other applicable federal or state statute or regulation; and
 - (C) Of the governing authority of a public hospital or any committee thereof in which the granting, restriction, or revocation of staff privileges or the granting of abortions under state or federal law discussed, considered, or voted upon;
- (7) Incidental conversation unrelated to the business of the agency; or
- (8) E-mail communications among members of an agency; provided, however, that such communications shall be subject to disclosure pursuant to Article 4 of Chapter 18 of this title.”

(3) Close Executive Sessions are permitted pursuant O.C.G.A. § 50-14-3(b) for:

“(1) Meetings when any agency is discussing or voting to:

- (A) Authorize the settlement of any matter which may be properly discussed in executive session in accordance with paragraph (1) of Code Section 50-14-2;
- (B) Authorize negotiations to purchase, dispose of, or lease property;
- (C) Authorize the ordering of an appraisal related to the acquisition or disposal of real estate;
- (D) Enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or
- (E) Enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote.

No vote in executive session to acquire, dispose of, or lease real estate, or to settle litigation, claims, or administrative proceedings, shall be binding on an agency until a subsequent vote is taken in an open

meeting where the identity of the property and the terms of the acquisition, disposal, or lease are disclosed before the vote or where the parties and principal settlement terms are disclosed before the vote;

(2) Meetings when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee or interviewing applicants for the position of the executive head of an agency. This exception shall not apply to the receipt of evidence or when hearing argument on personnel matters, including whether to impose disciplinary action or dismiss a public officer or employee or when considering or discussing matters of policy regarding the employment or hiring practices of the agency. The vote on any matter covered by this paragraph shall be taken in public and minutes of the meeting as provided in this chapter shall be made available. Meetings by an agency to discuss or take action on the filling of a vacancy in the membership of the agency itself shall at all times be open to the public as provided in this chapter;

(3) Meetings of the board of trustees or the investment committee of any public retirement system created by or subject to Title 47 when such board or committee is discussing matters pertaining to investment securities trading or investment portfolio positions and composition;

(4) Portions of meetings during which that portion of a record made exempt from public inspection or disclosure pursuant to Article 4 of Chapter 18 of this title is to be considered by an agency and there are no reasonable means by which the agency can consider the record without disclosing the exempt portions if the meeting were not closed; and

(5) Meetings when discussing or deliberating upon cybersecurity plans, procedures, and contracts regarding the provision of cybersecurity services. No vote in executive session to enter into a cybersecurity contract shall be binding on an agency until a subsequent vote is taken in an open meeting where the identity of the contractor and the terms of the agreement that are not subject to paragraph (25) of subsection (a) of Code Section 50-18-72 are disclosed before the vote.”

(4) The subject matter of the closed meeting or closed portion of the meeting held on the 16th day of May 2022, which was closed for the purpose of:

☒ **ATTORNEY-CLEINT PRIVILEGE REGARDING PENDING LITIGATION**

O.C.G.A. § 50-14-2(1)

☐ **TAX MATTERS PURSUANT TO O.C.G.A. §50-14-2(2)**

☐ **STAFF MEETING HELD FOR INVESTIGATION PURSUANT TO O.C.G.A. §50-14-3(a)(1)**

☐ **DELIBERATION AND VOTING OF THE STATE BOARD OF PARDONS AND PAROLE PURSUANT TO O.C.G.A. §50-14-3(a)(2)**

☐ **LAW ENFORCEMENT AGENCY OR PROSECUTIONS AGENCY O.C.G.A. §50-14-3(a)(3)**

☐ **MEDIATION EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(a)(5)**

☐ **HOSPITAL MEETINGS EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(a)(6)**

☐ **INCIDENTIAL CONVERSATION EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(a)(7)**

☐ **SETTLEMENT EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(b)(1)(A)**

☐ **PROPERTY NEGOTIATIONS PURSUANT TO O.C.G.A. § 50-14-3(b)(1)(B)**

☐ **APPRAISAL EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(b)(1)(C)**

☐ **CONTRACT EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(b)(1)(D)**

☒ **EMPLOYMENT EXCEPTION PURSUANT O.C.G.A. § 50-14-3(b)(2)**

☐ **PUBLIC RETIREMENT SYSTEM PURSUANT TO O.C.G.A. §50-14-3(b)(3)**

☐ **PROTECTION OF EXEMPTION PORTIONS OF RECORD PURSUANT TO O.C.G.A. § 50-14-3(b)(4)**

_____ **CYBERSECURITY EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(b)(4).**

(5) This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. 50-14-4(b) that such an affidavit be executed.

This 6th day of June, 2022.

Greg Bennett, Mayor

Julian Sconyers - Council Person

Johnny Ray Stafford – Council Person

Bobbie Collins – Council Person

John E. Parker – Council Person

D. J. Davis – Council Person

Sworn to and subscribed before me this

6th day of June, 2022.

NOTARY PUBLIC

My commission expires: _____

Councilperson Sconyers made a motion to return to regular session.
Motion by: Sconyers Seconded: Stafford Passed 6-0

Councilperson Sconyers made a motion to allow substitution of council.
Motion by: Sconyers Seconded: Stafford Passed 4-0
Councilperson Collins and Councilperson Parker abstained due to conflict of interest.

Councilperson Parker a motion to accept the recommendation from the DDA committee to hire Herman Middlebrooks as the Downtown Development Director.
Motion by: Parker Seconded: Quarterman Passed 4-2
For: Parker, Quarterman, Davis, Collins Against: Sconyers, Stafford

Councilperson Sconyers made a motion to adjourn.
Motion by: Sconyers Seconded: Davis Passed 6-0

Submitted: ***Melissa Kirby***, City Administrator